

FILED

Case 1:09-cv-07494 Document 20 Filed 03/23/10 Page 1 of 19

MARCH 23, 2010

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

*ORIGINAL Complaint
For the Court.*

MHN

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

3-17-2010

MAR 17 2010 ^{aw}

#20090028711

Sidney Peterson

CDY

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

vs.

Case No: 09-C-7494

(To be supplied by the Clerk of this Court)

Sgt. Anderson, Sgt
Young, Correctional
Officers, Allen, Brown,
Tankson, Daniels,
Phillips, Bates Sr,
Mondeello, Caccavallo,

Judge Mr. Charles P. Kocoras
Magistrate Judge. Nan R. Nolan

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

SECOND

AMENDED COMPLAINT

☒

Jurisdiction Is based upon 28 USC §§ 1343, 1331, and 1367

COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)

COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)

OTHER (cite statute, if known)

BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.

*Additionally plaintiff, relies upon the courts supplemental.
Jurisdiction, to assert the Illinois State claim of reck
less and / or intentional of Physical AND / OR emotional
Pain.*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Sidney Peterson #20090028711

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

vs.

Case No: 09-C-7494

(To be supplied by the Clerk of this Court)

Judge Mr. Charles P. Kocoras.
Magistrate Judge. Nan. R. Nolan.

Correctional Officers,
Sylvester, Leon, Lugo,
Garcia, J. Bailey,
Sheriff Thomas Dart,
Superintendent Moreci,
Cook County Government of Illinois

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

X

Amended Complaint

COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)

COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)

OTHER (cite statute, if known)

BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.

CONFINE →

I. Plaintiff(s):

- A. Name: Sidney Peterson # 200900Z8711
- B. List all aliases: Sydney Pearson, Marcus Hinton
- C. Prisoner identification number: # 200900Z8711
- D. Place of present confinement: Cook County Jail Div-11-CF
- E. Address: P.O. Box 08900Z, Chgo. Ill. 60608

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In **A** below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in **B** and **C**.)

- A. Defendant: Sgt. Anderson
 Title: Cook County Correctional officer
 Place of Employment: Cook County Jail
- B. Defendant: Sgt. Young
 Title: Cook County Correctional officer.
 Place of Employment: Cook County Jail
- C. Defendant: Correctional officer Allen
 Title: Cook County Correctional officer
 Place of Employment: Cook County Jail.

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

I. Plaintiff(s):

- A. Name: Sidney Peterson # 20090028711
- B. List all aliases: Sydney Pearson, Marcus Hinton
- C. Prisoner identification number: # 20090028711
- D. Place of present confinement: Cook County Jail Div-11-CF
- E. Address: P.O. Box 089002, Chgo. Ill. 60608.

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Correctional officer, W. Brown
Title: Cook County Correctional officer
Place of Employment: Cook County Jail.
- B. Defendant: Correctional officer, TANKSON
Title: Cook County Correctional officer
Place of Employment: Cook County Jail
- C. Defendant: Correctional officer, DANIELS
Title: Cook County Correctional officer
Place of Employment: Cook County Jail.

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

I. Plaintiff(s):

- A. Name: Sidney Peterson # 20090028711
- B. List all aliases: Sydney Pearson, Marcus Hinton
- C. Prisoner identification number: # 20090028711
- D. Place of present confinement: Cook County Jail Div-11-CF
- E. Address: P.O. Box 089002, Chgo. Ill. 60608

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Correctional officer Phillips
 Title: Cook County Correctional officer
 Place of Employment: Cook County Jail
- B. Defendant: Correctional officer Bates Sr.
 Title: Cook County Correctional officer
 Place of Employment: Cook County Jail
- C. Defendant: Correctional officer Mandello
 Title: Cook County Correctional officer
 Place of Employment: Cook County Jail

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

A. NAME: Sidney PETERSON # 20090028711

B. list all ALIASES: Sydney PEARSON, Marcus Hinton

C. Prisoner identification Number: # 20090028711

D. PLACE of present confinement: Cook County Jail Div-11-CF.

E. Address: P.O. Box 089002, Chgo. IL 60608.

II. A. DEFENDENT: Correctional officer, CACCAVALLI

Title: Cook County Correctional officer.

Place of Employment: Cook County Jail.

B. DEFENDENT: Correctional officer, LEON

Title: Cook County Correctional officer

Place of Employment: Cook County Jail.

C. DEFENDENT: Correctional officer, LUGO

Title: Cook County Correctional officer

Place of Employment: Cook County Jail.

A: DEFENDENT: Correctional officer SYLVESTER

Title: Cook County Correctional officer

Place of Employment: Cook County Jail.

B: Defendant: Correctional officer Garcia

Title: Cook County Correctional officer

Place of Employment: Cook County Jail.

C: Defendant: Correctional officer Bailey

Title: Cook County Correctional officer

Place of Employment: Cook County Jail.

A: Defendant: Sheriff Thomas Dart

Title: Sheriff Cook County Jail

Place of Employment: Cook County Jail

B: Defendant: DANIEL MORECI

Title: SUPERINTENDENT, Div-II.

Place of Employment: Cook County Jail.

C. Defendant: Cook County

Title: Cook County Government of Illinois

Place of Employment: Cook County.

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: 08-C-1839
- B. Approximate date of filing lawsuit: JUNE of 2009
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: Sidney
PETERSON
- D. List all defendants: City of Chicago, P.O. FRANO #8064
P.O. SEWIK, # 10659
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): Northern District of Illinois, Eastern Division
- F. Name of judge to whom case was assigned: MAGISTRATE Judge
SCHENKIER
- G. Basic claim made: FALSE ARREST
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): CASE IS still Pending
- I. Approximate date of disposition: Pending.

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: 10-C-0156
- B. Approximate date of filing lawsuit: JANUARY of 2010
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: Sidney
PETERSON
- D. List all defendants: Ms. Elyse Epstein / Public
Defender.
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): Northern District of Illinois Eastern
Division.
- F. Name of judge to whom case was assigned: Judge Ruben Castillo
Magistrate Judge Sidney L. Schenkier.
- G. Basic claim made: Legal Neglect / Ineffective
Counseling
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): CASE WAS DISMISSED
- I. Approximate date of disposition: CASE DISMISSED

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: 09-C-7494
- B. Approximate date of filing lawsuit: December of 2009
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: Sidney
PETERSON
- D. List all defendants: Sgt. Anderson, Sgt. Young, C/O Sylvester, C/O Allen,
C/O Brown, C/O Caccavallo, C/O Mondello, C/O Bates Sr, C/O Phillips,
C/O Daniels, C/O Tankison, C/O Bailey, C/O Garica, C/O Lugo,
C/O Leon, Sheriff Thomas Dart, Superintendent
Daniel Moreci, Cook County Government of Illinois.
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): Northern district of Illinois Eastern Division.
- F. Name of judge to whom case was assigned: Judge Charles P. Kocoras /
Magistrate Judge Nan R. Nolan
- G. Basic claim made: No rights violation of
Eighth Amendment.
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): CASE IS still Pending
- I. Approximate date of disposition: Pending.

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

ON May-13-2009, I Sidney Peterson came from Div-5 which was receiving to Div-11-CF WAS ASSIGNED to Upper Cell 40Z AFTER I got placed IN the cell I noticed there wasn't ANY working lights, I explained this to the assigned officers on the 7 to 3 shift they said there was nothing they could do. The shift changed NOW 3 to 11pm. And 11pm to 7:00AM STAFF came on I told the STAFFS. I made them AWARE of this ISSUE They stated there's nothing they could do. I then started to document names of officers, J. Bailey, Garcia, Allen, Leon, Lugo, Sgt. Anderson, Sgt. Young, 7:00AM - 3:00pm I, asked 3:00pm - 11:00pm shift, Tankson, Brown, Mondello, Caccavallo, Sylvester, 11:00pm - 7:00am shift Daniels, Phillips, Bates SR, CAN I be moved to a cell with working lights I don't have any lights period ONCE AGAIN I was told there was nothing nobody could Do I didn't want to go to Segregation on a disciplinary procedure IN order to receive lights, BECAUSE the

CONTINUE →

lights down IN Segregation may not work, I was told by officer J. Bailey, the officers knew the cell should have been condemned. I then asked officer, GARICA on the 7:00am - 3:00pm. could I speak to Sgt. Young. And Sgt. Young told me there's nothing he could do, He's just there for security reasons, That, I Sidney Peterson, got to talk to the Superintendent. DANIEL MORECI, He was the only one that could do something. He officer GARICA, stated he's only there for security reasons he has No power over the Electricians the Superintendent has to make them move / Him the Superintendent or Thomas Darf holds the Authority I then wrote a Grievance Put "Attention" Superintendent MORECI, explaining that I'm living IN A cell that should have be condemned, Reason being, No Working lights explained that my Constitutional Rights were being violated this constitute CRUEL and UNUSUAL Punishment IN violation of the Federal Constitution's Eighth Amendment. That my Conditions of Confinement constituted this violation, I didn't receive NO reply back on this matter then I wrote another grievance stating "Attention" Superintendent DANIEL MORECI, letting him No this is not apart of

Adequate housing Now keep in mind my first
 grievance was dated May-17-2009, Four days
 after being in this cell with no working lights
 after I saw I wasn't or didn't get a response
 back, my second grievance dated 10-18-09
 must have been recognized (10.) Ten days
 later. The whole tier was moved from CF, to CJ,
 on the 26th of October of 2009 the electricians
 was fixing the whole unit I think also to on
 the 27th of October -2009 the electricians was fixing
 the lights on tier CF. The staff moved us to
 was directly across the hall to where we can see
 them. So I finally gets a response back from
 the Superintendent Daniel Moreci, 12-31-09, It
 took the Social Worker (12.) more days to get
 it to me I received it (1-12-2010.) All
 of the grievances I received back is processed
 as a request so it's going to the Superintendent
 I then wrote a letter to Thomas Dart,
 But no response back yet. Liability
 can be based on many things I'm basing
 them on the things I've seen I was

CONTINUE →

subjected to this Situation which Nobody did nothing
 about Superintendent Moreci, Is in charge of Div-11-
 He's the head man then Thomas Dart, these are the
 people I wrote I went straight to the Source
 and I still didn't get No relief. The Government
 of Cook County Is Responsible for It's Employee's
 I'm Incarcerated at C.C.D.O.C. held against
 my will Cook County Is liable for my well being,
 Adequate housing, clothing, food, etc. I'm not able
 to provide for myself C.C.D.O.C. Knows that there
 violating Constitutional Rights of Detainees there
 constant being sued for these violations. My Eighth
 Amendment Rights has been violated, How can
 Superintendent Moreci, Thomas Dart, And Cook
 County Government of Illinois, not be responsible
 there liable for there employees, It's that
 Chain of Command. I asked all Correctional
 Officers, to be moved out of a condemned cell
 ON 7:00am - to - 3:00pm. shift, 3:00pm - to - 11:00pm
 shift, 11:00pm - to - 7:00am shift, I was told
 there's nothing they could do this New system
 that was put ^{IN} It won't allow them to
 move NO ONE only the Superintendent can do

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

this. After my grievance was put in 10-18-09 dated, October the 26th 2009 the entire deck was moved once again how could he not know the Superintendent has to authorize such moves. According to LAW C.C.D.O.C. Has violated my conditions HAVE a mutually enforcing effect that produces the deprivation of a single, identifiable human need, lights IN which I didn't have NOT A (Blown) out light bulb But NO electricity period this deliberate indifference, CRUEL AND UNUSUAL PUNISHMENT IN violation of my Eighth Amendment right. The C.C.D.O.C. WAS AWARE of these conditions by staff writing them IN the log book AND the Sgt. HAS to Sign these books daily, the C.C.D.O.C. failed to take Remedial Action AFTER being notified of these conditions. The C.C.D.O.C. Thomas Dart denied to respond to a letter addressed to him from a pretrial detainee held IN C.C.D.O.C. CONCERNING this ISSUE

continue →

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

of living IN A CELL WITH NO lights. I could NOT SEE the things that mattered the most Important thing I WAS SCARED If I would SWALLOW something EAT something dead I WASN'T suppose to EAT, food UNDONE, I couldn't read my mail NOR READ my bible, NOR READ A BOOK OR WRITE my (LOVE ONES.) OR TAKE A SHAVE NOR LOOK AT MYSELF IN the mirror. I, couldn't EVEN SEE my cellie AT night. Bottom line Superintendent DANIEL MORECI, KNEW about this Situation 3 months later AND days, OFFICER K. JONES 7:00AM - to - 3:00pm CAME AND ASK ME Superintendent stating OFFICER K. JONES checked and said It WAS lights working IN my cell, OFFICER K. JONES sent A PRE-trial DETAINEE to "ASK" me WAS there ANY lights AS you CAN SEE the C.C.D.O.C. does NOT do there jobs IN which getting paid for, that's A lie OFFICER. K. JONES NEVER CAME to Upper cell 402 OR Lower cell 304, At this time

ASK NOT ONE QUESTION So why lie on him? The SUPER-
intendant Mr. DANIEL MORECI, THOMAS DART WAS AWARE OF
ISSUES IN this complaint through the GRIEVANCE that
WAS filed concerning this Complaint. See Exhibit 1.

(GRIEVANCE Filed CONCERNING the CAUSE of Action for this
Complaint. The SUPERINTENDENT has to sign off on all
GRIEVANCES. IN conclusion, a state, that takes a person
into its custody and holds him there against his
will has a corresponding duty under the federal consti-
tutions Eighth Amendment to assume some responsibility
for his safety and general well-being; when the state
by the affirmative exercise of its power so restrains
Individuals liberty that the Individuals ARE RENDERED
UNABLE to care for themselves, And the state at the
same time fails to provide for the Individuals basic human
needs - such as Food, clothing, medical care, shelter which
is part of housing and lighting and which I had no
lights period, violation of the Eighth Amendment,
conditions of confinement and cruel and unusual

continue →

Punishment, And due process. Now these

Issues ARE before this court, I petition

the Court for Justice.

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I, the Plaintiff would like the Honorable Court to AWARD
ME the following A piece.
COMPENSATORY DAMAGES 250,000
PUNITIVE DAMAGES 250,000
PAIN & SUFFERING 250,000 AND would like for the
DEFENDANTS to PAY FOR ALL the legal FEES.

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 2 day of 18, 2010

Sidney Peterson
 (Signature of plaintiff or plaintiffs)

Sidney Peterson
 (Print name)

#20090028711
 (I.D. Number)

P.O. Box 08900Z
Chgo. IL 60608.
 (Address)